

What More Must the United States Do on Climate?

A Public Hearing on Climate Action
Boulder, Colorado
November 1, 2022

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Background

We are living in a time of rapid global warming. The warming has been accelerating in recent decades, and we expect it to continue to warm for the foreseeable future. Even if we intervene, effectively, to limit the warming, we will continue to live on a planet that is warmer than that of our parents and grandparents.

As a consequence of this warming, sea level is rising, what we thought of as permanent ice is melting, and weather is changing. The most definitive way we are experiencing the changing weather is changing extremes of water abundance and water scarcity. When we are in a wet weather pattern, we are experiencing more intense precipitation. When we are in a dry weather pattern, we are likely to experience more extreme drought.

Presently climate is changing so fast that each decade is a different climate.

We tend to plan for buildings, roads, and bridges years in advance, and we expect those things we build to last for decades, if not centuries. Some cities on the seacoasts have been there for many hundreds of years; today they are experiencing increased flooding from both tides and storms.

We have learned how to plant crops based on centuries of experience. We expect temperature and moisture to have a certain rhythm from one season to the next. We are wary of extremes. That rhythm and extremes are changing as Earth accumulates more heat.

We have built parks and game preserves to protect ecosystems, but the envelope of temperature and moisture that define those ecosystems is changing. If ecosystems are disrupted by storms, drought, or fire, the plants and animals will find their recovery to be in a climate that is different from the one in which they originated.

We are ill prepared both practically and emotionally for dealing with sort of persisting change.

Testimony

Since 2020, the United States has taken important, meaningful legislative actions to address climate change. These steps include the Inflation Reduction Act (IRA), the CHIPS and Science Act, and the Infrastructure Investment and Jobs Act. Collectively, this legislation places large amounts of money in many of the right places to begin to address the reduction of greenhouse gas emissions.

In the best of circumstances, they are important steps in addressing climate change; however, they are only at the start of what will need to be an enduring effort of both reduction of greenhouse gases and adaptation to the warming planet.

We rarely achieve the best of circumstances in the implementation of policies, legislation, and regulation. All the pieces never quite fit together. There are loopholes that have been built in to gain political support.

Those loopholes are also vulnerabilities that invite litigation and can, in fact, build in policy and practice that are, in the long term, detrimental. Examples might be the U.S. policies on corn ethanol and the bargains that we have made replacing coal with natural gas.

My purpose of speaking today is to support strengthening, in law, the control of greenhouse gases. It was only in 2007 that the Supreme Court ruled that the Environmental Protection Agency (EPA) could regulate carbon dioxide as a pollutant. Though the recent West Virginia versus EPA decision did not suggest that the Court is inviting challenges to the 2007 ruling, it did demonstrate the difficulty of taking action to reduce carbon dioxide emissions. It showed the peril of relying on executive orders for climate policy. It revealed how footholds for litigation that cause years of delays are, in some cases, built into the system.

The Inflation Reduction Act establishes in law the ability to regulate carbon dioxide and methane. However, like the Affordable Care Act, we might reasonably expect a hostile future Congress to try to repeal it. We can expect legal challenges to parts of the bill. And we can imagine people looking for ways to erode the 2007 decision that carbon dioxide is a pollutant.

Indeed, it is not outside the realm of reason to expect challenges to the Clean Air Act itself.

I signed the Climate Protection and Restoration Initiative's petition to the EPA because I saw it as a way to strengthen the statement that carbon dioxide is a pollutant. That petition used the Toxic Substances Control Act and would codify that carbon dioxide pollution is responsible for an unreasonable risk of injury to health or the environment.

Though the acts passed by Congress are major steps forward, they are by no means a definitive final word.

There are many things the U.S. still needs to do.

Though analyses of the effects of the Inflation Reduction Act show substantial and important reductions of greenhouse gases, those reductions are not enough, and they have yet to be realized. We need to realize that these important laws are near the beginning of the solution path. We need to be aware of efforts to divert us from that path, and part of that awareness is to continue to establish and shore up the fact that carbon dioxide is a dangerous pollutant that is leading to unreasonable risk to health and safety.

References:

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